

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Criminal Minute Order

FILED  
DEC - 5 2007

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

The Honorable Claudia Wilken, Presiding  
Clerk: Sheilah Cahill  
Court Reporter: Diane Skillman  
Date: 12/5/07

**Plaintiff:** United States

v.

No. CR-07-00370 CW

**Defendant:** Jose Clemente Lopez-Padilla (present - in custody  
interpreter used)

**Appearances for Plaintiff:**  
Daniel Kaleba

**Appearances for Defendant:**  
John Paul Reichmuth

**Interpreter:**  
Hiram Torres (Spanish - sworn)

**Probation Officer:**  
Sara Black

**Hearing: Judgment and Sentencing**

**Notes:** Defendant and counsel have read PSR (translated for defendant in Spanish); no factual disputes. Court finds Offense Level 9, based on circumstances of the offense that involved growing a single plant of marijuana for personal use rather than trafficking, Criminal History IV, leading to a guideline range of 12 - 18 months. Based on the plea agreement, the Court sentences the defendant to 18 months custody of the BOP, to be followed by 3 years supervised release under the usual terms and conditions and the special conditions as set forth in the PSR. No fine imposed due to lack of ability to pay a fine. Defendant to pay \$100 special assessment which may be paid through the BOPs' Inmate Financial Responsibility Program at the rate of \$25 per quarter. Any remaining counts are dismissed. Court will recommend placement at Terminal Island so defendant can establish contact with his children. Defendant remanded to custody of U.S. Marshal. See J&C for details.

Copies to: Chambers